IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NOs : 18763, 18764, 18765, 18766,18767,18768 and 18769 of 2005

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WRIT PETITION NO : 18763 of 2005

Between:

M/s. K. Chinna Rao & Co., Door No.22-5-1/1, Vampalla Nagar, Near Samata nagar, Peda Gantyada, Visakhapatnam-530044,rep. by its Prop. K. Chinna Rao, S/o. Sanyasi Appalanaidu, 42 Years.

..... PETITIONER

AND

1 The Chief Superintendent(Operation), Sinter Plant (W),

Visakhapatnam Steel Plant, Visakhapatnam.
2 The Dy. General Manager (Safety), Safety Engineering

Department, Visakhapatnam Steel Plant,

Visakhapatnam.

...RESPONDENTS

WRIT PETITION NO : 18764 of 2005

Between:

M/s. Aruna Constructions, Door No.12-210, Nallimukku,
Peda Gantyada, Visakhapatnam-530044

Rep.by its Prop. M.Eswara Rao S/o. Suri Naidu,

..... PETITIONER

AND

1 The Chief Superintendent (OPeration), Sinter Plant (W),

Visakhapatnam Steel Plant, Visakhapatnam.
2 The Dy. General Manager (Safety), Safety Engineering

Department, Visakhapatnam, Steel Plant, Visakhapatnam.

.....RESPONDENTS

WRIT PETITION NO : 18765 of 2005

Between:

M/s.United Freight Carrying Corporation, Peda Gangyada, Visakhapatnam-530 044, rep., by its Manager
M.Balarama Murthy, s/o Subba Rao,

..... PETITIONER

AND

1 The Chief Superintendent (Operation), Sinter Plant (W),

Visakhapatnam Steel Plant, Visakhapatnam.
2 The Deputy General Manager (Safety), Safety Engineering

Department, Visakhapatnam steel Plant, Visakhapatnam.

.....RESPONDENTS

WRIT PETITION NO : 18766 of 2005

Between:

M/s.Reddy Enterprises, Parwada Junction, NearKali Temple, Visakhapatnam-530021.
Rep by its Prop.P.Rambabau, S/o.Appalaswamy, 45 Yrs.

..... PETITIONER

AND

1 The Chief Superintendent (Operation), Sinter Plant (W),

Visakhapatnam Steel Palnt, Visakhapatnam.
2 The Dy.General Manager (Safety), Safety Engineering

Department, Visakhapatnam Steel Palnt, Visakhapatnam.

.....RESPONDENTS

WRIT PETITION NO : 18767 of 2005

Between:

M/s Pragada Papayya and Co, Door No.30-77-10, Kanti Village,,
Vadlapudi RHC, Visakhapatnam rep by its Prop.P.Srinivasulu, S/o.Papayya .

..... PETITIONER

AND

1 The Chief Superintendent (operation), Sinter Plan (W),

Visakhapatnam Steel Plant, Visakhapatnam.
2 The Dy.General Manager (Safety) Safety Engineering

Department, Visakhapatnam Steel Plant Visakhapatnam.

.....RESPONDENTS

WRIT PETITION NO : 18768 of 2005

Between:

M/s. Jahnavi Constructions, Door No.21-54-51, Peda Koreda,
Peda Gantyada, R.H.Colony, Visakhapatnam-530044, rep. by its Pro: Ch. Gowri Naidu, S/o. Pentam Naidu, 39 Years.

..... PETITIONER

AND

1 The Chief Superintendent (Operation), Sinter Plant(W),

Visakhapatnam Steel Plant, Visakhapatnam.
2 The Dy. General Manager (Safety), Safety Engineering

Department, Visakhapatnam Steel Plant, Visakhapatnam.

.....RESPONDENTS

WRIT PETITION NO : 18769 of 2005

Between:

M/s. M. Ganga Raju & Co., Door No. 23-64-6, Dayal Nagar, B.C. Road, Rep. by its Mg. Partner M. Ganga Raju S/o. Late Appanna, age 51 yrs,

..... PETITIONER

AND

1 The Chief Superintendent (Operation) Sinter Plant (W) Visakhapatnam Steel Plant, Visakhapatnam,
2 The Dy. General Manager (Safety) Safety Engineering Department, Visakhapatnam Steel Plant,
Visakhapatnam,

.....RESPONDENTS

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NOs : 18763, 18764, 18765, 18766,18767,18768 and 18769 of

2005

COMMON ORDER:

All the petitioners have entered into several contractual relationships with the Visakhapatnam Steel Plant for undertaking cleaning-cum-spillage arresting jobs in bunkers of RB and RMB of sinter plant. Work Orders had also been issued to the petitioners. The several petitioners contend that according to Clause 13(e) of the Work Order, a safety clearance from the safety Engineering Department of VSP is required before commencement of work; that the several petitioners as contractors had applied for safety passes for enabling their workmen to enter into the plant for executing their contracts; that these applications are pending but no safety passes were yet issued; and that thus, the petitioners are effectively prevented from executing the works.

While so, the Chief Superintendent (Operation), Sinter Plant (W) Visakhapatnam Steel Plant has issued a notice dated 10.08.2005 calling upon the petitioners to start the works immediately as per the contract and Clause 10 of the work order, failing which the respondents will be constrained to initiate action as deemed appropriate. This notice by the first respondent in the several Writ petitions recorded that the petitioners had not started the work even 10 days after the award of the work order and that the work is thereby suffering. The petitioners' complaint is that they could not start the work as safety passes were not issued despite applications. In response to the notice dated 10.08.2005, the petitioners submitted explanations on 16.08.2005 and now apprehend that without a rational consideration of their explanation or the non performance of the reciprocal obligations under the contract by the respondents, the respondents would highhandedly and in arbitrary exercise of contractual powers would terminate the contracts of the petitioners. No orders of termination have been issued. The petitioners assail the notices.

The contracts that the petitioners have with the respondent-Visakhapatnam Steel Plant are non statutory contracts. The disputes they have, as urged in the writ petitions are disputes that have arisen under such contracts. The relationship is contractual and the disputes post contractual which do not have adjudicative

disposition before this court under Article 226 of the Constitution of India - vide **M/s. Radhakrishna Agarwal and others v. State of Bihar and others.**

On the application of the aforesaid position of law, the appropriate recourse for the petitioners is to approach the Civil Court of Jurisdiction or an arbitrator, if there be an arbitration clause in the contract. This Court is not inclined to adjudicate upon the contractual disputes, in view of the availability of an equally efficacious alternative remedy.

The writ petitions are dismissed at the stage of admission. The petitioners are at liberty to pursue the appropriate remedy. No costs.

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24-08-2005

Note : CC tomorrow

B/o kvrm